

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSEPH MAQUADE CHESLEY,
 Plaintiff(s),
 v.
 CITY OF MESQUITE, et al.,
 Defendant(s).

Case No. 2:21-cv-01946-GMN-DJA

Order

[Docket No. 36]

On December 9, 2021, the Court set this matter for an early neutral evaluation to be held on February 16, 2022. Docket No. 15. Pending before the Court is a stipulation, filed on February 8, 2022, to continue that early neutral evaluation. Docket No. 36. The stipulation represents that settlement discussions will not be fruitful while Defendants' motions to dismiss are pending. *Id.* at 2. As the name suggests, *early* neutral evaluations take place shortly after a defendant first appears in a case (by way of answer, motion to dismiss, or otherwise). *See* Local Rule 16-6(d).¹ Given that the parties want to engage in alternative dispute resolution only after these motions are decided, the Court construes the stipulation as representing that an early neutral evaluation would be futile in this case. Accordingly, the Court **VACATES** the early neutral evaluation and **EXEMPTS** this case from the early neutral evaluation program. *See* Local Rule 16-6(c). The stipulation to continue the early neutral evaluation is **DENIED** as moot.

IT IS SO ORDERED.

Dated: February 8, 2022


 Nancy J. Koppe
 United States Magistrate Judge

¹ The Court may hold an early neutral evaluation at a later date upon a showing of good cause. Local Rule 16-6(d). The Court declines to find that the mere pendency of a motion to dismiss—which is a common occurrence—constitutes good cause for such relief.